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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,850	06/24/2003	Toru Kambayashi	239513US2SRD	8096
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
JONES, HEATHIER RAE				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
10/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/601,850

**Applicant(s)**

KAMBAYASHI ET AL.

**Examiner**

HEATHER R. JONES

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

6/24/03 2/18/04 2/1/05 4/19/05 3/15/06 4/12/07 11/20/07



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 18-24 define schedule data that embodies non-functional descriptive material (attribute information about the object).

Claims 34-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 34-42 defines a video data reproduction program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed video data reproduction program can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15, 18-32, 34-41, and 43-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Wistendahl et al. (U.S. Patent Application Publication 2002/0056136).

Regarding claim 1, Wistendahl et al. discloses a video data reproduction apparatus comprising: a selecting unit configured to select an object to be reproduced in video data contents and configured to obtain a corresponding object related data, the object related data being related to the object and including a start time at which the object appears in the video data contents (Fig. 5B – paragraph [0053]); a first acquisition unit configured to acquire the start time from the object related data (paragraphs [0053] and [0054]); and a reproduction unit configured to start reproducing the video data contents based on the start time (Fig. 4 – reproduction unit).

Regarding claim 2, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the apparatus further comprising a mask unit configured to mask a mask area except for the object (Fig. 5A – paragraph [0049]).

Regarding claim 3, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the mask unit comprises a second acquisition unit configured to acquire mask data, the mask data containing mask start time for masking the mask area and mask end time for masking the mask area (Fig. 5A; paragraphs [0032] and [0033]).

Regarding claim 4, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the apparatus further comprising a balloon unit configured to display such a balloon on the object (paragraph [0097]).

Regarding claim 5, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 including that the object related data further contains identification information for identifying the object, and the first acquisition unit acquiring the start time referring to the identification information (Figs. 5B and 5C; paragraphs [0053] and [0054]).

Regarding claim 6, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 including that the start time and the identification information are prepared in each object (Figs. 5B and 5C; paragraphs [0053] and [0054]).

Regarding claim 7, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 including that the reproduction unit comprises a second acquisition unit configured to acquire object data indicative of movement of the object (Fig. 5C; paragraph [0054]).

Regarding claim 8, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 7 including that the object data contains shape data indicative of shapes of the object at a plurality of points in time during a certain period of time (Fig. 5C; paragraph [0054]).

Regarding claim **9**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 7 including that the object data contains order data for determining an order in which a plurality of objects are superposed if the plurality of objects appear in the video data contents (as can be seen from Fig 9 - different objects are superposed over other ones and to do this correctly the object data has to contain the order).

Regarding claim **10**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 7 including that the object data contains balloon data indicative of information related to a balloon image (paragraph [0097]).

Regarding claim **11**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 7 as well as the apparatus further comprising a waiting unit configured to keep the object data in a waiting state in which the object can be reproduced, the reproduction unit reproducing the object data kept in the waiting state, if the selecting unit selects the object (Figs. 4 and 9; [0040] and [0097]).

Regarding claim **12**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 including that the reproduction unit comprises: a second acquisition unit configured to acquire a present reproduction time of the video data contents; and a start unit configured to start reproduction of the object when the reproduction time reaches the start time (Fig. 4).

Regarding claim **13**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 as well as the apparatus further comprising: a designation unit configured to designate a space-time position in the video data contents, the space-time position being determined from a time and a position; a determination unit configured to determine whether or not the space-time position is positioned in the object; and an execution unit configured to execute a particular processing if the determination unit determines that the space-time position is positioned in the object (Figs. 5A and 5B; paragraphs [0048]-[0053]).

Regarding claim **14**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 13 including that the execution unit executes the particular processing including jumping to a certain linked page (paragraphs [0084] and [0097]).

Regarding claim **15**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 1 and 13 including that the execution unit executes the particular processing including a processing related to the object (Fig. 4).

Regarding claim **18**, Wistendahl et al. discloses schedule data associated with an object which appears in video data contents, the object being reproduced by a reproduction apparatus, the schedule data comprising: a start time at which the object appears in the video data contents (paragraphs [0053] and [0054]).



Regarding claim **19**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 18 as well as the schedule data further comprising identification information which identifies the object (Fig. 2; paragraphs [0053] and [0054]).

Regarding claim **20** Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 18 and 19 including that the start time and the identification information are prepared in each object (Fig. 2; paragraphs [0053] and [0054]).

Regarding claim **21**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 18 as well as the schedule data further comprising information which designates object data indicative of movement of the object (Fig. 5C; paragraph [0054]).

Regarding claim **22**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 18 and 21 including that the object data contains shape data indicative of changes with time in a shape of the object (Fig. 5C; paragraph [0054]).

Regarding claim **23**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 18 and 21 including that the object data contains order data which determines an order in which a plurality of objects are superposed if the plurality of objects appear simultaneously (as can be seen from Fig 9 - different objects are superposed over other ones and to do this correctly the object data has to contain the order.

Regarding claim **24**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claims 18 and 21 including that the object data contains balloon data indicative of a balloon image (paragraph [0097]).

Regarding claims **25-32**, these are method claims corresponding to the apparatus claims 1-4, 7, and 11-13. Therefore, claims 25-32 are analyzed and rejected as previously discussed with respect to claims 1-4, 7, and 11-13.

Regarding claims **34-41**, these are program claims corresponding to the apparatus claims 1-4, 7, and 11-13. Therefore, claims 34-41 are analyzed and rejected as previously discussed with respect to claims 1-4, 7, and 11-13.

Regarding claim **43**, Wistendahl et al. discloses a video data reproduction apparatus which reproduces an object, the object being appearing in video data contents, the video data reproduction apparatus comprising: a first acquisition unit configured to acquire schedule data which includes a start time at which the object appears in the video data contents (Figs. 5A-5C; paragraphs [0049]-[0054]); a first acquisition unit configured to acquire schedule data which includes a start time at which the object appears in the video data contents (Fig. 5B – paragraph [0053]); a second acquisition unit configured to acquire the start time from the schedule data (Figs. 5A-5C; paragraphs [0049]-[0054]); and a reproduction unit configured to start reproducing the video data contents based on the start time (Fig. 4 – reproduction unit).

Regarding claims **44-57**, grounds for rejecting claims 2-15 apply to claims 44-57 in their entirety.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 17, 33, 42, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. as applied to claims 1 and 25 above, and further in view of Minor et al. (U.S. Patent 5,740,252).

Regarding claim **16**, Wistendahl et al. discloses all the limitations as previously discussed with respect to claim 1 including that the apparatus is associated with a server, further comprising: a connection unit configured to connect the apparatus to the server which distributes display data related to a display of the video data contents (Fig. 3; paragraph [0084]). However, Wistendahl et al. fails to disclose a certification unit configured to perform a certification between the apparatus and the server; a determination unit configured to determine whether or not the certification has succeeded; a second acquisition unit configured to acquire the display data from the server if the determination unit determines that the certification has succeeded; and a second determination unit configured to determine whether or not the display data should be certified.

Referring to the Minor et al. reference, Minor et al. discloses an apparatus connected to a server further comprising: a connection unit configured to connect the apparatus to the server which distributes display data related to a display of the video data contents; a certification unit configured to perform a certification between the apparatus and the server; a determination unit configured to determine whether or not the certification has succeeded; a second acquisition unit configured to acquire the display data from the server if the determination unit determines that the certification has succeeded; and a second determination unit configured to determine whether or not the display data should be certified (Fig. 6; col. 7, line 58 – col. 8, line 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus disclosed by Wistendahl et al. by including security information when accessing a server as disclosed by Minor et al. in order to protect the data being transmitted as well as the apparatus reproducing the data being transmitted.

Regarding claim 17, Wistendahl et al. in view of Minor et al. discloses all the limitations as previously discussed with respect to claims 1 and 16 including that the display data is at least one of the object related data, object data indicative of movement of the object, and mask data containing mask start time for masking a mask area and mask end time for masking the mask area (Wistendahl et al.: Figs. 4 and 9).

Regarding claim **33**, this is a method claim corresponding to the apparatus claim 16. Therefore, claim 33 is analyzed and rejected as previously discussed with respect to claim 16.

Regarding claim **42**, this is a program claim corresponding to the apparatus claim 16. Therefore, claim 42 is analyzed and rejected as previously discussed with respect to claim 16.

Regarding claims **58** and **59**, grounds for rejecting claims 16 and 17 apply to claims 58 and 59 in their entirety.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2623

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
October 1, 2008